

### REMARKS

The amendments and remarks presented herein are consistent with those discussed in the telephone call of August 9, 2007. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action mailed June 8, 2007, considered and rejected claims 1-9, 11, 12, 15-35, 37 and 38. Claims 1, 2, 7-9, 11, 16-18, 20, 24-26, 28, 30, 32-34, and 37-38 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Gutta* (U.S. Publ. No. 2002/0144259). Claims 3, 15, 19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *Abecassis* (U.S. Patent No. 5,953,485). Claims 4 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *Abecassis*, and further in view of *Perlman* (U.S. Patent No. 5,896,444). Claims 5, 6, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *Perlman*. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *O'Callaghan* (U.S. Patent No. 5,594,492). Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *Perlman*. Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *Block* (U.S. Patent No. 6,675,384). Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gutta* in view of *O'Callaghan*.<sup>1</sup>

By this paper, claims 1, 7, 12, 17, 18, 20, 24, 25 and 38 have been amended, claims 2-5, 8, 9, 21-23 and 26-28 have been cancelled, and no claims have been added. Accordingly, following this amendment, claims 1, 6, 7, 11, 12, 15-20, 24, 25, 29, 30, 32-35, 37 and 38 are pending, of which claims 1, 25 and 37 are the only independent claims at issue.

As previously discussed with the Examiner, the claims are generally directed to methods and computer program products for detecting events and automatically pausing television in response thereto. For example, claim 1 recites a method in which a display device is displaying media content when an email is received. In response to detection of the receipt of the email, a pause signal is automatically sent to the display device. The display is thereby automatically paused in response to receipt of an email, while the system continues to receive the media content.

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

Claim 25 recites a similar method in which priority values based on the sender of an email are first considered to determine whether to automatically pause the display of the media content. Claim 37, recites a computer program product which is encoded to perform a method generally corresponding to the method of claim 1.

While *Gutta* is generally directed to a system in which captured audio and video information is paused in response to various predefined events, it fails to disclose or suggest the invention as recited in the above claims. For example, among other things, the cited reference fails to disclose or suggest a method or computer program product in which media content is paused automatically in response to receipt of an email, as recited in combination with the other claim elements.

In particular, *Gutta* describes a system in which rules for responding to an event are explicitly defined or are implicitly defined based on user behavior. (§ 21). For example, a rule can be established that in response to detecting that a telephone is ringing, a corresponding action item is performed. (§ 16). Such action items can include, for example, a record action or a live pause action. (§ 15). Similarly, if the vicinity of the user is monitored, when it is determined that the user has remained out of the room for a predefined minimum time interval, a similar action may be taken. (§ 23). Accordingly, *Gutta* describes a system in which a telephone call or user proximity is used to affect the display of media content, but fails to describe any system in which receipt of an email triggers an automatic pausing of the display of media content as claimed in combination with the other claim elements. This is particularly so when also considering the claims further recite that the automatic pausing is dependent on priority values associated with the sender of an email. (Claim 25).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time.<sup>2</sup> It

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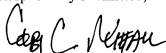
<sup>2</sup> Nevertheless, Applicant notes that the failures of *Gutta* are also not remedied by the *Perlman* reference. In particular, *Perlman* describes a WebTV system for interrupting media content in response to a detecting a telephone call. (Abstract.) *Perlman* further notes that the WebTV system is capable of providing "conventional" email services, in which email addressed to the WebTV system user is stored on the server and the user is the notified of the existence of the email so that a connection can be established to retrieve the email. (Col. 7, ln. 63 to Col. 8, ln. 11). Notably, when the content and scope of *Perlman* is considered, *Perlman* expressly considers interrupting the display of programming as well as email, but makes no correlation between the two. In other words, *Perlman* does not disclose or suggest that receipt of an email triggers the pausing of media content. Indeed, inasmuch as *Perlman* discloses that email is retrieved at regular intervals, any disruption to the phone line used in *Perlman* would be caused before the email is even detected at the WebTV client.

will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 7<sup>th</sup> day of September, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger".

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